

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on August 19, 2008 at 7:12 p.m. after the 6:30 p.m. caucus session, where the Council discussed pending agenda items; Lake Paradise property; Depot update and sewer extension for proposed LQQKERS Restaurant.

Mayor Cline presiding.

Mayor Cline led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Randy Ervin, YEA Commissioner Rick Hall, YEA Commissioner Joe McKenzie, YEA Commissioner David Schilling, YEA Mayor David Cline.

Also physically present were City personnel: City Administrator Alan Gilmore, City Attorney & Treasurer J. Preston Owen, Public Works Director David Wortman, Community Development Coordinator Kyle Gill, Deputy Police Chief Jeff Branson, Fire Chief Mike Chism, and City Clerk Susan J. O'Brien.

Mayor Cline seconded by Commissioner Schilling moved to approve the consent agenda consisting of minutes of the regular meeting August 5; special meeting August 11, 2008; payroll and bills for the first half of August, 2008.

Bills and payroll for the first half of August, 2008

General Fund

Payroll		\$	264,612.86
Bills		\$	<u>86,410.58</u>
	Total	\$	351,023.44

Hotel Tax Fund

Payroll		\$	2,692.77
Bills		\$	<u>24,015.36</u>
	Total	\$	26,708.13

Festival Management

Bills		\$	<u>13,455.76</u>
	Total	\$	13,455.76

Insurance & Tort Judgment

Bills		\$	<u>6,782.98</u>
	Total	\$	6,782.98

Capital Project Fund

Bills		\$	<u>10,447.62</u>
	Total	\$	10,447.62

Water Fund

Payroll		\$	34,107.97
Bills		\$	<u>20,739.62</u>
	Total	\$	54,847.59

Sewer Fund

Payroll		\$	31,150.08
Bills		\$	<u>47,363.77</u>
	Total	\$	78,513.85

Cemetery Fund

Payroll		\$	5,158.31
Bills		\$	<u>2,383.43</u>
	Total	\$	7,541.74

Motor Fuel Fund

Bills		\$	<u>10,042.42</u>
	Total	\$	10,042.42

Revolving Loan Fund

Bills		\$	<u>96.82</u>
	Total	\$	96.82

Health Insurance

Bills		\$	<u>111,493.85</u>
	Total	\$	111,493.85

Mayor Cline declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Ervin,

**CITY OF MATTOON, ILLINOIS
RESOLUTION 2008-2750**

**A RESOLUTION AMENDING RESOLUTION 91-1740 TO RESTRUCTURE THE TERMS OF SERVICE FOR
COMMITTEE MEMBERS**

WHEREAS, the City of Mattoon created a Tourism Committee for the purpose of advising and making recommendations to the City Council on the subject of tourism and expenditure of funds collected pursuant to the hotel/motel tax, and

WHEREAS, the Committee's terms of service vary by expiring every four, three and two years, and

WHEREAS, the Mayor desires to provide consistency in terms of service by changing all terms to three-years.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, the Tourism Advisory Committee members' terms shall expire every three years upon completion of each present term.

Upon motion by Mayor Cline, seconded by Commissioner Hall, adopted this 19th day of August, 2008, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner

Hall

Commissioner McKenzie,

YEA Commissioner Schilling

Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 19th day of August, 2008.

/s/ David W. Cline

David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien

Susan J. O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on August 20, 2008.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Ervin seconded by Commissioner Schilling moved to approve Council Decision Request 2008-901, approving \$6,700.00 in grants by the Tourism Advisory Committee from hotel/motel tax funds to:

Mattoon High School in the amount of \$3,200.00 for hosting the Mattoon Boys golf Invitational on
September 9, 12-13,2008; and
Coles County Airport in the amount of \$3,500.00 for the July 4^h Coles County Air Show.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Schilling seconded by Commissioner McKenzie moved to adopt Special Ordinance 2008-1288, authorizing the Mayor to sign an outright grant agreement by and between the City of Mattoon and Dr. Kenneth Myracle reimbursing up to \$65,505.00 from Broadway East TIF District Revenues over a 10 year term for the extension of utility service, installation of underground storm water detention basins, and obtainment of easements for the project located at 117 Holiday Drive.

**CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2008-1288**

**AN ORDINANCE APPROVING A GRANT AGREEMENT BY AND BETWEEN THE CITY OF MATTOON, ILLINOIS
AND DOCTOR KENNETH MYRACLE WITHIN THE MATTOON BROADWAY EAST REDEVELOPMENT PROJECT AREA**

WHEREAS, Dr. Kenneth Myracle (the "Grantee"), have submitted a proposal to the City of Mattoon, Illinois (the "Municipality")

for redevelopment of a part of the Municipality's Mattoon Broadway East Redevelopment Project Area (the "**Redevelopment Project Area**"); and, thereafter, the Municipality and the Grantee have engaged in negotiations related to a Grant Agreement (including all exhibits and attachments in connection therewith, the "**Grant Agreement**") concerning redevelopment incentives and assistance related to the preservation, development and redevelopment of a part of the Redevelopment Project Area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The Grant Agreement, in substantially the form thereof presented before the meeting of the City Council at which this ordinance is adopted, shall be and is hereby ratified, confirmed and approved, and the Mayor and City Clerk are authorized to execute and deliver the Grant Agreement for and on behalf of the Municipality; and upon the execution thereof by the Municipality and the Grantee, the appropriate officers, agents, attorneys and employees of the Municipality are authorized to take all supplemental actions, including the execution and delivery of related supplemental opinions, certificates, agreements and instruments not inconsistent with the Grant Agreement, desirable or necessary to implement and otherwise give full effect to the Grant Agreement. Upon full execution thereof, the Grant Agreement shall be attached to this ordinance as EXHIBIT "A".

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Schilling, seconded by Commissioner McKenzie, adopted this 19th day of August, 2008, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall
Commissioner McKenzie, Commissioner Schilling
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 19th day of August, 2008.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on August 20, 2008.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Schilling seconded by Commissioner Ervin moved to adopt Special Ordinance 2008-1289, authorizing the Mayor to sign an outright grant agreement by and between the City of Mattoon and Robert Reid dba D to Z Sports reimbursing up to \$13,110.00 to be disbursed over 10 years in annual payments of \$1,211.00 beginning in fiscal year 2010 from Mid-town TIF Revenues for roof replacement on a building located at 1611 Broadway Avenue.

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2008-1289

AN ORDINANCE APPROVING A GRANT AGREEMENT BY AND BETWEEN THE CITY OF MATTOON, ILLINOIS AND ROBERT REID IN CONNECTION WITH THE MATTOON MID-TOWN REDEVELOPMENT PROJECT AREA

WHEREAS, ROBERT REID (the "**Grantee**"), has submitted a proposal to the City of Mattoon, Illinois (the "**Municipality**") for redevelopment of a part of the Municipality's Mattoon Mid-town Redevelopment Project Area (the "**Redevelopment Project Area**"); and, thereafter, the Municipality and the Grantee have engaged in negotiations related to a Grant Agreement (including all exhibits and attachments in connection therewith, the "**Grant Agreement**") concerning redevelopment incentives and assistance related to the preservation, development and redevelopment of a part of the Redevelopment Project Area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The Grant Agreement, in substantially the form thereof presented before the meeting of the City Council at which this ordinance is adopted, shall be and is hereby ratified, confirmed and approved, and the Mayor and City Clerk are authorized to execute and deliver the Grant Agreement for and on behalf of the Municipality; and upon the execution thereof by the Municipality and the Grantee, the appropriate officers, agents, attorneys and employees of the Municipality are authorized to take all supplemental actions, including the execution and delivery of related supplemental opinions, certificates, agreements and instruments not inconsistent with the Grant Agreement, desirable or necessary to implement and otherwise give full effect to the Grant Agreement. Upon full execution thereof, the Grant Agreement shall be attached to this ordinance as EXHIBIT “A”.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Schilling, seconded by Commissioner Ervin, adopted this 19th day of August, 2008, by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Ervin, Commissioner Hall</u> <u>Commissioner McKenzie, Commissioner Schilling</u> <u>Mayor Cline</u>
NAYS (Names):	<u>None</u>
ABSENT (Names):	<u>None</u>

Approved this 19th day of August, 2008.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM:

<u>/s/ Susan J. O’Brien</u> Susan J. O’Brien, City Clerk	<u>/s/ J. Preston Owen</u> J. Preston Owen, City Attorney
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Recorded in the Municipality’s Records on August 20, 2008.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Schilling seconded by Commissioner Ervin moved to adopt Special Ordinance 2008-1290, authorizing the Mayor to sign an outright grant agreement by and between the City of Mattoon and Doug & Jeanne Vonderheide reimbursing up to \$51,590.00 to be disbursed over 10 years in annual payments of \$5,159.00 beginning in fiscal year 2010 from Mid-town TIF Revenues for restoration of the brick façade on the 118 South 17th Street building and emergency structural repairs on both buildings located at 118 & 120 south 17th Street.

**CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2008-1290**

**AN ORDINANCE APPROVING A GRANT AGREEMENT BY AND BETWEEN THE CITY OF MATTOON, ILLINOIS
AND, DOUGLAS A. AND JEANNE A. VONDERHEIDE IN CONNECTION WITH THE MATTOON MID-
TOWN REDEVELOPMENT PROJECT AREA**

WHEREAS, DOUGLAS A. AND JEANNE A. VONDERHEIDE (the “**Grantee**”), has submitted a proposal to the City of Mattoon, Illinois (the “**Municipality**”) for redevelopment of a part of the Municipality’s Mattoon Mid-town Redevelopment Project Area (the “**Redevelopment Project Area**”); and, thereafter, the Municipality and the Grantee have engaged in negotiations related to a Grant Agreement (including all exhibits and attachments in connection therewith, the “**Grant Agreement**”) concerning redevelopment incentives and assistance related to the preservation, development and redevelopment of a part of the Redevelopment Project Area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The Grant Agreement, in substantially the form thereof presented before the meeting of the City Council at which this ordinance is adopted, shall be and is hereby ratified, confirmed and approved, and the Mayor and City Clerk are authorized to execute and deliver the Grant Agreement for and on behalf of the Municipality; and upon the execution thereof by the Municipality and the Grantee, the appropriate officers, agents, attorneys and employees of the Municipality are authorized to take all supplemental actions, including the execution and delivery of related supplemental opinions, certificates, agreements and instruments not inconsistent with the

Grant Agreement, desirable or necessary to implement and otherwise give full effect to the Grant Agreement. Upon full execution thereof, the Grant Agreement shall be attached to this ordinance as EXHIBIT "A".

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Schilling, seconded by Commissioner Ervin, adopted this 19th day of August, 2008, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall
Commissioner McKenzie, Commissioner Schilling
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 19th day of August, 2008.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM:

/s/ Susan J. O'Brien /s/ J. Preston Owen
Susan J. O'Brien, City Clerk J. Preston Owen, City Attorney

Recorded in the Municipality's Records on August 20, 2008.

Mayor Cline opened the floor for question or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Schilling moved to adopt Special Ordinance 2008-1291 Substitute, authorizing variances to the requirements of the Corridor Development District and Sign Ordinance for developments in the Coles Centre Subdivision.

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2008-1291 (SUBSTITUTE)

AN ORDINANCE GRANTING VARIANCES TO THE REQUIREMENTS OF THE CORRIDOR DEVELOPMENT DISTRICT AND SIGN ORDINANCE FOR DEVELOPMENTS IN THE COLES CENTRE SUBDIVISION

WHEREAS, there has been filed a written Petition by Coles Centre, LLC for variances to the requirements of the Corridor Development District and Sign Ordinance, respecting property legally described as:

A part of Section 16, Township 12 North, Range 8 East, of the Third Principal Meridian, Coles County, Illinois, being more particularly described as follows:

COMMENCING at the Northeast corner of the Southeast Quarter of said Section 16, being an iron pin;

Thence, S 00° 46' 14" W, all bearings are referenced to the Illinois State Plane Coordinate System, East Zone Datum 1983, along the East line of the Southeast Quarter of said Section 16, to the Northeast corner of the Southeast Quarter of the Southeast Quarter of said Section 16, a distance of 1331.09, to a point;

Thence, S 88° 45' 56" W, along the North line of the Southeast Quarter of the Southeast Quarter of said Section 16, to the West Right-of-Way line of Lerna Road, a distance of 1339.95 feet, to the POINT OF BEGINNING, being a point;

Thence, S 00° 00' 24" W, along the West Right-of-Way line of Lerna Road, to the South line of said Section 16, a distance of 1332.88 feet, to an iron pin;

Thence, S 88° 39' 33" W, along the South line of said Section 16, a distance of 1855.50 feet, to an iron pin;

Thence, N 00° 17' 37" E, to the South line of the North Half of the Southwest Quarter of said Section 16, a distance of 1336.49 feet, to an

iron pin;

Thence, S 88° 45' 56" W, along the South line of the North Half of the Southwest Quarter of said Section 16, to the East Right-of-Way line of F.A.I. Route 04, a distance of 1720.98 feet, to an iron pin;

Thence, N 04° 55' 25" E, along the East Right-of-Way line of F.A.I. Route 04, a distance of 234.86 feet, to an iron pin;

Thence, N 17° 41' 38" E, continuing along the East Right-of-Way line of F.A.I. Route 04, a distance of 317.84 feet, to an iron pin;

Thence, N 48° 25' 01" E, continuing along the East Right-of-Way line of F.A.I. Route 04, a distance of 404.60 feet, to an iron pin;

Thence, N 23° 47' 19" E, continuing along the East Right-of-Way line of F.A.I. Route 04, a distance of 352.33 feet, to an iron pin;

Thence, N 73° 32' 46" E, continuing along the East Right-of-Way line of F.A.I. Route 04, a distance of 286.40 feet, to an iron pin;

Thence, N 86° 54' 14" E, continuing along the East Right-of-Way line of F.A.I. Route 04, a distance of 500.62 feet, to an iron pin;

Thence, N 86° 19' 58" E, continuing along the East Right-of-Way line of F.A.I. Route 04, to the South Right-of-Way line of F.A.I. Route 17, a distance of 250.45 feet, to an iron pin;

Thence, N 89° 45' 57" E, along the South Right-of-Way line of F.A.I. Route 17, to the West Right-of-Way line of Lerna Road, a distance of 1923.02 feet, to an iron pin;

Thence, S 31° 40' 02" E, along the West Right-of-Way line of Lerna Road, a distance of 114.27 feet, to an iron pin;

Thence, S 00° 00' 24" W, along the West Right-of-Way line of Lerna Road, a distance of 1085.61 feet, to the POINT OF BEGINNING and containing 147.94 acres, more or less.

Also known as: Coles Centre Subdivision, Mattoon, Illinois

WHEREAS, said petition requests that the following variances be granted pursuant to applicable ordinances of the municipality;

- 1.) to the required minimum lot size of 2 acres (Section 159.59 A.1) to allow Tract 6 to be 1.75 acres +/-;
- 2.) to the required minimum lot size of 2 acres (Section 159.59 A.1) to allow Tract 7 to be 1.99 acres +/-;
- 3.) to the required 25' Setback (Section 159.59 D.1) to allow 0' setback along line common to Tracts 1 and 3;
- 4.) to the required maximum heights of 60 feet (Section 159.59 F.1) to allow a maximum building height of 85 feet for Tracts 1-7;
- 5.) to the required 70% maximum lot coverage (Section 159.59 G) to allow:



- 6.) to the required curb cut not to be within 1,250 feet of an exterior road or curb cut (Section 159.60 E.2c) to allow curb cuts to be 774 feet from existing Lerna Rd;
- 7.) to the required park sign height and square footage (Section 159.60 F.2) to allow maximum park sign height of 40 feet and a maximum square footage of 220 sq. ft. per side on Tract B;
- 8.) to allow a second park sign and to the required park sign height and square footage (Section 159.60 F.2) to allow maximum park sign height of 40 feet and a maximum square footage of 220 sq. ft. per side on Tract F;
- 9.) to the required maximum pole sign height of 25 feet (Section 159.60 F.3c) to allow a maximum pole sign height of 85 feet on Tracts 1-7.

and;

WHEREAS, the Zoning Board of Appeals held a properly noticed public hearing on August 5, 2008 regarding petitioner's request for said variances; and

WHEREAS, the Corridor Review Committee, the Planning Commission for the City of Mattoon, Coles County, Illinois, and the Zoning Board of Appeals for the City of Mattoon, Coles County, Illinois, have recommended that the requested variances be granted; and

WHEREAS, the City Council for the City of Mattoon, Coles County, Illinois, deems that the recommended variance is in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Pursuant to enabling authority provided at Section §159.05 of the Mattoon Code of Ordinances, the property legally described as aforesaid, be and the same is granted variances the above variances to the requirements of the Corridor Development District and Sign Ordinance for developments in the Coles Centre Subdivision.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Section 4. The City Clerk shall make and file a duly certified copy of this ordinance with the Clerk and Recorder's Office of Coles County, Illinois.

Upon motion by Mayor Cline, seconded by Commissioner Schilling, adopted this 19th day of August, 2008 by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall
Commissioner McKenzie, Commissioner Schilling
Mayor Cline

NAYS (Names): None

ABSENT (Names) None

Approved this 19th day of August, 2008.

/s/ David W. Cline

David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on August 20, 2008.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Hall seconded by Commissioner McKenzie moved to adopt Special Ordinance 2008-1292, authorizing the sale of Lot 75 in Lake Paradise Subdivision to Robert J. Vicle, Jr., current owner of a home on lease of premises at Lot 75 Lake Paradise Subdivision and authorizing the Mayor to sign all documents in the Coles Centre Subdivision.

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2008-1292

SPECIAL ORDINANCE: AUTHORIZING THE SALE OF LOT 75 IN LAKE PARADISE SUBDIVISION TO ROBERT J. VICLE, JR., CONTRACT PURCHASER OF A HOME ON LEASED PREMISES AT LOT 75, LAKE PARADISE SUBDIVISION, AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION. (COMMONLY KNOWN AS 2934 E. LAKE PARADISE ROAD)

WHEREAS, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

WHEREAS, by Resolution 2006-2642, adopted March 21, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

WHEREAS, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall

be subject to ratification by a special ordinance of the City Council; and

WHEREAS, Robert J. Viele, Jr. is desiring to purchase the property for \$17,300; and

WHEREAS, Robert J. Viele, Jr. is the contract purchaser (from the estate of Louis Kent) for the home located on the property; and

WHEREAS, Stanley D. Gordon, CREA of Gordon Appraisal Service, Inc. determined \$17,300 was the fair market value of the real estate as of July 24, 2008, a copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, The City has undertaken to have the property subdivided, appraised and has had the title insurance covering the property updated and the purchasers are willing to pay their share of those costs; and

WHEREAS, the City Attorney has prepared a Real Estate Sales Contract that is attached to the Special Ordinance and incorporated herein by this reference.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The City Attorney is authorized to prepare closing documents and the Mayor and City Clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 3 of this ordinance to Robert J. Viele, Jr., subject to a payment of \$17,300 plus all other expenses of the sale. The purchase price will be due at closing.

Section 3. The real estate to be conveyed pursuant to this ordinance is legally described as:

Lot 75 in Lake Paradise Subdivision, Unincorporated Coles County, Illinois.

Section 4. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 5. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Hall, seconded by Commissioner McKenzie, adopted this 19th day of August, 2008, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,
Commissioner McKenzie, Commissioner Schilling
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 19th day of August, 2008.

/s/ David W. Cline
David W.

Cline, Mayor
of Mattoon, Coles County, Illinois

City

ATTEST: APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on August 20, 2008.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Hall seconded by Commissioner Ervin moved to adopt Resolution 2008-2751, declaring a tract of City-owned land as surplus property and authorizing auctioneering services.

CITY OF MATTOON, ILLINOIS
RESOLUTION NO. 2008-2751

A RESOLUTION DECLARING THAT A CERTAIN PARCEL OF AGRICULTURAL LAND LOCATED NORTH OF THE CITY IS SURPLUS AND AUTHORIZING THE AUCTION OF THAT PROPERTY

WHEREAS, in the early 1930's the City of Mattoon purchased agricultural land north of the City in order to drill water wells for the City's water supply; and

WHEREAS, since the 1970's the City has not utilized those wells and the wells have now been fully removed; and

WHEREAS, the parcel is more fully described as:

Fractional 68.25 acres lying west of Illinois Route 45 and the Illinois Central Railroad, located in the East One-Half of the Southwest Quarter of Section 30, Township 13 North, range 8 East of the Third Principal Meridian

WHEREAS, the parcel is no longer useful or necessary to the City of Mattoon; and

WHEREAS, the management staff believe it is prudent that the land be sold and the proceeds be used in the Water Fund to pay for future capital projects and offset some of the need for future rate increases.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Pursuant to procedures prescribed by state statute (65 ILCS 5/11-76-4.1), a finding is hereby made by the City Council that the following described real estate is no longer necessary or required for the use of the municipality.

Fractional 68.25 acres lying west of Illinois Route 45 and the Illinois Central Railroad, located in the East One-Half of the Southwest Quarter of Section 30, Township 13 North, range 8 East of the Third Principal Meridian

Section 2. The management staff of the municipality is hereby authorized to arrange to have an auction of the property and is hereby authorized to accept the highest reasonable bid at that auction.

Section 3. The management staff is directed to give notice to the tenant currently farming the property of the sale and that the property will not be available for rent from the City for the next growing cycle.

Section 4. The City Attorney is authorized to draft and the Mayor and City Clerk are authorized and directed to execute any documents necessary to affect the closing of the sale of this property.

Section 5. The City Clerk is directed to publish a copy of this resolution at the first opportunity following its adoption and approval by the City Council.

Upon motion by Commissioner Hall, seconded by Commissioner Ervin, adopted this 19th day of August, 2008, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,
Commissioner McKenzie, Commissioner Schilling
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 19th day of August, 2008.

/s/ David W. Cline
David W.

Cline, Mayor
of Mattoon, Coles County, Illinois

City

ATTEST: APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on August 20, 2008.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Hall seconded by Commissioner McKenzie moved to adjourn at 7:38 p.m.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

/s/ Susan J. O'Brien
City Clerk